

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES LISPIER,

Plaintiff,

v.

WOLFF, et al.,

Defendants.

No. 1:23-cv-00729-ADA-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
ACTION FOR FAILURE TO OBEY A
COURT ORDER AND FAILURE TO
PROSECUTE

(ECF No. 12)

Plaintiff James Lispier is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 30, 2023, the Magistrate Judge screened the complaint and directed Plaintiff either to file a first amended complaint or to notify the Court of his willingness to proceed on the cognizable claims that the Magistrate Judge identified. (ECF No. 10.) The deadline for Plaintiff to comply with the Magistrate Judge's order has expired, and Plaintiff has not communicated in any way with the Court. Accordingly, on August 17, 2023, the Magistrate Judge issued findings and recommendations, recommending that the Court dismiss this action, without prejudice, due to Plaintiff's failure to obey a court order and failure to prosecute. (ECF No. 12.) The findings and recommendations were served on Plaintiff and contained notice that he had fourteen days within which to file objections. (*Id.* at 3.) That deadline has passed, and Plaintiff has not filed

objections or otherwise communicated with the Court.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the Court concludes that the findings and recommendations are supported by the record and proper analysis.

Accordingly,

1. The findings and recommendations issued on August 17, 2023, (ECF No. 12), are adopted in full;
2. This action is dismissed, without prejudice, for failure to obey a court order and failure to prosecute; and
3. The Clerk of Court is directed to close this case.

IT IS SO ORDERED.

Dated: October 25, 2023


UNITED STATES DISTRICT JUDGE